

BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY
DOCKET – THURSDAY, AUGUST 16, 2007
ROOM 215 - CITY HALL - 100 NORTH HOLLIDAY STREET

Please note: If you are interested in a particular case, please call 396-4385 the day before these hearings to verify that a particular case is still scheduled for this date.

12noon John A. Foreman & Felicia Gibbs, BigBroCo, LLC, No trade name given, 822 Lancaster Street – Class “B” Beer, Wine & Liquor License - Application for a new Class “B” Beer, Wine & Liquor Restaurant License under the provisions of Senate Bill 571 where seating capacity is greater than 150 persons that the applicant must demonstrate capital investment of \$700,000 and food sales of 65% of total daily receipts; application includes a request for outdoor table seating

DECISION:

1:00 p.m. James N. Stupka, 1609 Bank Street, Inc. T/a Club Eldorado, 1609 Bank Street - Class BD7 Beer, Wine & Liquor License - Violation of Rule 3.01 “Every licensee shall be the actual owner and operator of the business conducted on the licensed premises. The identity of any person, not a licensee, having any financial interest in said business shall be disclosed to the Board in writing” from 25 May 2006 to 8 May 2007 (Re: unrevealed ownership of F. Radtke and then M. A. Salazar [aka- Adan Orlando Salazar-Martinez in the period ranging from 25 May 2006 to 8 May 2007. On or about 7 November 2006, F. Radtke closed on the sale of the property and business with Salazar-Martinez. Ownership by Salazar-Martinez registered with City of Baltimore Treasury Management 17 November 2006. Transfer of property from Radtke to Salazar-Martinez, recorded with M.D.A.T. on 30 November 2006. On or about 30 November, James Stupka (licensee of record) acquired new liquor license for 1609 Bank Street, and did not report or record with the Liquor Board, that transactions and the actual ownership of the real property and business [1609 Bank Street] had occurred between Radtke and Salazar-Martinez during the month of November 2006. On 5 January 2007 & 13 January 2007 property and business owned and operated by Salazar- Martinez et. al. On or about 14 January 2007, Fred Radtke admitted to Liquor Board personnel and police officers that Mr. James Stupka (licensee of record) was in actuality a “straw purchaser”); **Violation of Rule 3.03(a)** “Licensee shall keep accurate records of all purchases of alcoholic beverages for a period of one year from the date of each purchase. Such records shall include the date of each purchase, the quantity purchased, and the name and address of each seller. Such records shall be open for inspection at all times by duly authorized representatives of the Board on 5 January 2007 (Re: Employee unable to provide purchase records or receipts to police agents); **Violation of Rule 3.03(a)** “Licensee shall keep accurate records of all purchases of alcoholic beverages for a period of one year from the date of each purchase. Such records shall include the date of each purchase, the quantity purchased, and the name and address of each seller. Such records shall be open for inspection at all times by duly authorized representatives of the Board on 13 January 2007 (Re: Employee unable to provide purchase records or receipts to police agents); **Violation of Rule 3.03(c)** “Licensees shall keep on their premises records containing the legal names, aliases, addresses, ages, and Social Security numbers of all persons employed by them. Such records shall be open for inspection at all times by duly authorized representatives of the Board, the Police Department of Baltimore City, and other governmental agencies” on or about 5 January 2007 (Re: Employee unable to provide employee records to police agents); **Violation of Rule 3.03(c)** “Licensees shall keep on their premises records containing the legal names, aliases, addresses, ages, and Social Security numbers of all persons employed by them. Such records shall be open for inspection at all times by duly authorized representatives of the Board, the Police Department of Baltimore City, and other governmental agencies” on or about 13 January 2007 (Re: Employee unable to provide employee records to police agents); **Violation of Rule 3.06** “Licensees shall operate their establishments at all times in accordance with the requirements of the Health Department of Baltimore City, the Building Code of Baltimore City, and the rules and regulations of the Fire Department of Baltimore City on or about 5 January 2007 (Re: “Numerous” loose and unsecured electrical extension cords); **Violation of Rule 3.06** “Licensees shall operate their establishments at all times in accordance with the requirements of the Health Department of Baltimore City, the Building Code of Baltimore City, and the rules and regulations of the Fire Department of Baltimore City on or about 5 January 2007 (Re: Blocked and locked fire exits); **Violation of Rule 3.12** “Licensees shall operate their establishments in such a manner as to avoid disturbing the peace, safety, health, quiet, and general welfare of the community” on or about 5 January 2007 (Re: Loud music audible to police officers at a distance greater than 50 feet); **Violation of Rule 4.10(a)** “No licensee shall purchase alcoholic beverages except from a duly licensed manufacturer or wholesaler; nor shall any licensee sell to any other licensee any alcoholic beverages; and no licensee shall, at any time, keep or permit to be kept upon the licensed premises, any alcoholic beverages unless

purchased in accordance with the Rule” on or about 13 January 2007 (Re: a receipt for purchase from Fells Point Liquors” for a 750 ml. bottle of Chivas Regal, as well as numerous other receipts for retail alcohol purchases, all revealed during a police inspection); **Violation of Rule 4.12** “No licensee shall make any false statement in any application, letter or written or oral statement to the Board or to any of its representatives” commencing on or about 19 April 2006 [application for transfer] to 8 May 2007 (Re: Failure to reveal, apprise, or correct application or testimony regarding the transfer, intent and true nature of ownership of the license, business and property at 1609 Bank Street commencing on or about 19 April 2006 [application for transfer] to 8 May 2007. To wit; but not limited to: (a) applicant Stupka’s testimony on or about 25 May 2006; (b) James Stupka’s acquisition of the license, thereby completing the transfer to himself, on or about 30 November 2007. (c) Fred Radtke’s admissions on or about 14 January 2007: regarding actual prior and current ownership; his [Radtke’s] 7 November 2006 sale of 1609 Bank Street property and business to third party [Salazar-Martinez]; and Mr. Stupka’s role as straw purchaser [prior to, during and after the 25 May 2006 transfer hearing]. The purpose of said transfer action was to effectively circumvent the pending 180 day ‘vacated business’ hearing continued from in or around February 2006); **Violation of Rule 4.18** “No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals” on or about 5 January 2007 (Re: two machines without valid current amusement license); **Violation of Rule 4.18** “No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals” on or about 5 January 2007 (Re: bartender Maria Luz Villacorta presented fake identification to police officers); **Violation of Rule 4.18** “No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals” on or about 5 January 2007 (Re: Ms. Maria Villacorta was a visitor working without a visa enabling her to work in this country); **Violation of Rule 4.18** “No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals” on 5 January 2007 (Re: licensee Stupka allowed the conduct resulting in the foregoing violations of 3.03(a) & (c), 3.06, and 3.12); **Violation of Rule 4.18** “No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals” on 13 January 2007 (Re: licensee Stupka allowed the conduct resulting in the foregoing violations of 3.03(a) & (c), 3.06, and 3.12)

DECISION:

2:30 p.m. Tony DiFatta, Jerry McDaniel & Salvatore Digiorgio, First Barracuda Management Co., Inc. T/a Baja Beach Club, 55 Market Place – Class BD7 Beer, Wine & Liquor License - Violation of Rule 4.01(a) “No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age” on December 3, 2006 (Re: Eighteen year old female patron allowed to purchase alcoholic beverages); **Violation of Rule 4.18** “No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals” on December 3, 2006 (Re: Personnel in establishment pulled down female patron’s pants, put a temporary tattoo on her buttocks and drew around another tattoo on her pelvic area)

DECISION:

3:00 p.m. Jeffrey Evans, Michael McEwan & Mark Junker, Ben & Tim, Inc. T/a Favorites Pub, 5804 York Road –Class BD7 Beer, Wine & Liquor License – Violation of Rule 4.01(a) “No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age on April 28, 2007 (Re: Twenty year old female patron found consuming beer) or **Violation of Article 2B, §12-108(d)** "No licensee, proprietor, or operator of any establishment dispensing alcoholic beverages shall permit the consumption or possession of any alcoholic beverages by a person under the age of twenty-one years upon said premises no matter by whom such alcoholic beverages shall have been purchased or from whom obtained..." on April 28, 2007 (Re: Twenty year old female patron found consuming beer); **Violation of Rule**

4.01(a) “No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age on April 28, 2007 (Re: Nineteen year old female patron found consuming beer) or **Violation of Article 2B, §12-108(d)** "No licensee, proprietor, or operator of any establishment dispensing alcoholic beverages shall permit the consumption or possession of any alcoholic beverages by a person under the age of twenty-one years upon said premises no matter by whom such alcoholic beverages shall have been purchased or from whom obtained..." on April 28, 2007 (Re: Nineteen year old intoxicated female patron found consuming beer)

DECISION:

3:30 p.m. Ho K. Lawler & Albert Yang, HBS Enterprises, Inc. T/a Sugar Hill Tavern, 2361 Druid Hill Avenue – Class BD7 Beer, Wine & Liquor License – **Violation of Rule 4.01(a)** “No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age” on December 9, 2006 (Re: Alcoholic beverage sold to 20 year old male Maryland State Police Cadet); **Violation of Rule 4.16** “No licensee shall allow his premises to be used for the purpose of possession, transfer or use of any narcotic drug” on February 15, 2007 (Re: Three people arrested inside licensed premises and charged with CDS violations); **Violation of Rule 3.06** “Licensees shall operate their establishments at all times in accordance with the requirements of the Health Department of Baltimore City, the Building Code of Baltimore City, and the rules and regulations of the Fire Department of Baltimore City” on February 2, 2007 (Re: Inspection revealed no hot water in restroom, mouse infestation, general cleanliness, numerous power strips & extension cords and fire exit bolted shut); **Violation of Rule 3.12** “Licensees shall operate their establishments in such a manner as to avoid disturbing the peace, safety, health, quiet, and general welfare of the community” on February 2, 2007 (Re: Man shot and killed inside licensed premises)

DECISION:

Please note:

There will be no public hearings on Thursday, August 23, 2007.